

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1004 be amended to read as follows:

- 1 Page 9, between lines 2 and 3, begin a new paragraph and insert:
- 2 "SECTION 5. IC 4-31-1-2 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The ~~purpose~~
- 4 **purposes** of this article ~~is~~ **are**:
- 5 (1) to permit pari-mutuel wagering on horse races in Indiana;
- 6 (2) **to permit the sale of pari-mutuel pull tabs at racetracks in**
- 7 **Indiana**; and
- 8 (3) to ensure that **the sale of pari-mutuel pull tabs and**
- 9 pari-mutuel wagering on horse races in Indiana will be conducted
- 10 with the highest of standards and the greatest level of integrity.
- 11 SECTION 6. IC 4-31-2-1.5 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 13 1, 2002]: Sec. 1.5. "Adjusted gross receipts" means:
- 14 (1) **the total of all cash and property (including checks**
- 15 **received by a permit holder whether collected or not) received**
- 16 **by a permit holder from pari-mutuel pull tab sales; minus**
- 17 (2) **the total of:**
- 18 (A) **all cash paid out as winnings for pari-mutuel pull tabs**
- 19 **to patrons; and**
- 20 (B) **uncollectible pari-mutuel pull tab receivables, not to**
- 21 **exceed the lesser of:**
- 22 (i) **a reasonable provision for uncollectible patron checks**
- 23 **received from pari-mutuel pull tab sales; or**
- 24 (ii) **two percent (2%) of the total of all sums, including**
- 25 **checks, whether collected or not, less the amount paid**
- 26 **out as winnings for pari-mutuel pull tabs to patrons.**
- 27 **For purposes of this section, a counter or personal check that is**
- 28 **invalid or unenforceable under this article is considered cash**
- 29 **received by the permit holder from pari-mutuel pull tab sales.**
- 30 SECTION 7. IC 4-31-2-11.5 IS ADDED TO THE INDIANA CODE
- 31 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2002]: **Sec. 11.5. "Pari-mutuel pull tab" means a game offered to the public in which a person who purchases a ticket or simulated ticket has the opportunity to share in a prize pool, multiple prize pools, or a shared prize pool consisting of the total amount wagered in the game minus deductions by the permit holder selling the pari-mutuel pull tab and other deductions either permitted or required by law.**

SECTION 8. IC 4-31-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 15. Except as provided in IC 4-31-7.5**, any fees or penalties collected by the commission under IC 4-31-3-9(1)(E) through IC 4-31-3-9(1)(G) shall be paid into the state general fund.

SECTION 9. IC 4-31-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 1. (a)** A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. The person may not permit or use:

(1) another place other than that provided and designated by the person; or

(2) another method or system of betting or wagering. **However, a person holding a permit to conduct a horse racing meeting may permit wagering on pari-mutuel pull tabs at the person's racetrack as permitted by IC 4-31-7.5.**

(b) Except as provided in section 7 of this chapter and IC 4-31-5.5, the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.

SECTION 10. IC 4-31-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 2. (a)** A person less than ~~eighteen (18)~~ **twenty-one (21)** years of age may not wager at a horse racing meeting.

(b) A person less than ~~seventeen (17)~~ **twenty-one (21)** years of age may not enter the grandstand, clubhouse, or similar areas of a racetrack at which wagering is permitted unless accompanied by a person who is at least twenty-one (21) years of age.

(c) A person less than ~~eighteen (18)~~ **twenty-one (21)** years of age may not enter a satellite facility.

SECTION 11. IC 4-31-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 7.5. Pari-Mutuel Pull Tabs

Sec. 1. (a) This chapter applies only to the sale of pari-mutuel pull tabs by a person that holds a permit to conduct a pari-mutuel horse racing meeting issued under IC 4-31-5.

(b) This chapter does not apply to the sale of pull tabs by a qualified organization (as defined in IC 4-32-6-20) under IC 4-32.

Sec. 2. A pari-mutuel pull tab game must be conducted in the following manner:

(1) Each set of tickets must have a predetermined:

(A) total purchase price; and

(B) amount of prizes.

(2) Randomly ordered pari-mutuel pull tab tickets may be distributed from an approved location or from a distribution device to:

(A) the permit holder at the permit holder's racetrack; or

(B) a terminal or device of the permit holder at the permit holder's racetrack.

(3) A pari-mutuel pull tab ticket must be presented to a player in the form of a paper ticket or display on a terminal or device.

(4) Game results must be initially covered or otherwise concealed from view on the pari-mutuel pull tab ticket, terminal, or device so that the number, letter, symbol, or set of numbers, letters, or symbols cannot be seen until the concealing medium is removed.

(5) A winner is identified after the display of the game results when a player removes the concealing medium of the pari-mutuel pull tab ticket or display on a terminal or device.

(6) A winner shall receive the prize or prizes posted or displayed for the game from the permit holder.

Sec. 3. A person less than twenty-one (21) years of age may not purchase a pari-mutuel pull tab ticket.

Sec. 4. The sale price of a pari-mutuel pull tab ticket may not exceed ten dollars (\$10).

Sec. 5. (a) The sale, purchase, and redemption of pari-mutuel pull tab tickets are limited to a live pari-mutuel horse racing facility operated by a permit holder under a recognized meeting permit first issued before January 1, 2002.

(b) A permit holder may not install more than seven hundred (700) pull tab terminals or devices on the premises of the permit holder's live pari-mutuel horse racing facility.

Sec. 6. The number and size of the prizes in a pari-mutuel pull tab game must be finite but may not be limited.

Sec. 7. A list of prizes for winning pari-mutuel pull tab tickets must be posted or displayed at a location where the tickets are sold.

Sec. 8. A permit holder may close a pari-mutuel pull tab game at any time.

Sec. 9. A terminal or device selling pari-mutuel pull tab tickets may be operated by a player without the assistance of the permit holder for the sale and redemption of pari-mutuel pull tab tickets.

Sec. 10. A terminal or device selling pari-mutuel pull tab tickets may not dispense coins or currency as prizes for winning tickets.

1 Prizes awarded by a terminal or device must be in the form of
2 credits for additional play or certificates redeemable for cash or
3 prizes.

4 Sec. 11. (a) The Indiana gaming commission shall adopt rules
5 under IC 4-22-2, including emergency rules under IC 4-22-2-37.1,
6 to implement this chapter, including rules that prescribe:

7 (1) an approval process for pari-mutuel pull tab games that
8 requires periodic testing of the games and equipment by an
9 independent entity under the oversight of the commission to
10 ensure the integrity of the games to the public;

11 (2) a system of internal audit controls;

12 (3) a method of payment for pari-mutuel pull tab prizes that
13 allows a player to transfer credits from one (1) terminal or
14 device to another;

15 (4) a method of payment for pari-mutuel pull tab prizes that
16 allows a player to redeem a winning ticket for additional play
17 tickets or credit to permit purchase of additional play tickets;
18 and

19 (5) any other procedure or requirement necessary for the
20 efficient and economical operation of the pari-mutuel pull tab
21 games and the convenience of the public.

22 (b) The Indiana gaming commission may enter into a contract
23 with the Indiana horse racing commission for the provision of
24 services necessary to administer pari-mutuel pull tab games.

25 Sec. 12. The Indiana gaming commission may assess an
26 administrative fee to a permit holder offering pari-mutuel pull tab
27 games in an amount that allows the commission to recover all the
28 commission's costs of administering the pari-mutuel pull tab
29 games.

30 Sec. 13. The Indiana gaming commission may not permit the
31 sale of pari-mutuel pull tab tickets in a county where a riverboat
32 is docked.

33 Sec. 14. (a) A tax is imposed on the adjusted gross receipts
34 received from the sale of pari-mutuel pull tabs authorized under
35 this article at the rate of thirty percent (30%) of the amount of the
36 adjusted gross receipts.

37 (b) The permit holder shall remit the tax imposed by this section
38 to the department before the close of the business day following the
39 day the pari-mutuel pull tabs are sold.

40 (c) The department may require payment under this section to
41 be made by electronic funds transfer (as defined in IC 4-8.1-2-7(f)).

42 (d) If the department requires taxes to be remitted under this
43 chapter through electronic funds transfer, the department may
44 allow the permit holder to file a monthly report to reconcile the
45 amounts remitted to the department.

46 (e) The department may allow taxes remitted under this section
47 to be reported on the same form used for taxes paid under
48 IC 4-31-9.

1 **Sec. 15. (a) The state pull tab wagering fund is established.**
 2 **Money in the fund does not revert to the state general fund at the**
 3 **end of the state fiscal year.**

4 **(b) The department shall deposit tax revenue collected under**
 5 **section 14 of this chapter in the state pull tab wagering fund.**

6 **(c) Each month, the treasurer of state shall distribute the tax**
 7 **revenue deposited in the state pull tab wagering fund under this**
 8 **section as follows:**

9 **(1) Twenty-five percent (25%) of the tax revenue remitted by**
 10 **each permit holder shall be paid:**

11 **(A) to the city in which the racetrack from which the tax**
 12 **revenue was collected is located, in the case of a racetrack**
 13 **that is located in an incorporated area; or**

14 **(B) to the county in which the racetrack from which the tax**
 15 **revenue was collected is located, in the case of a racetrack**
 16 **that is located in an unincorporated area.**

17 **(2) After the distributions required under subdivision (1) are**
 18 **made, the next twenty-six million dollars (\$26,000,000) of tax**
 19 **revenue shall be paid to the horse racing commission to be**
 20 **distributed as follows, in amounts determined by the horse**
 21 **racing commission, for the promotion and operation of horse**
 22 **racing:**

23 **(A) To a breed development fund established by the horse**
 24 **racing commission under IC 4-31-11-10.**

25 **(B) To each racetrack that has been approved by the horse**
 26 **racing commission under this article. The horse racing**
 27 **commission may make a grant under this clause only for**
 28 **purses and promotions.**

29 **(3) After the distributions required under subdivisions (1) and**
 30 **(2) are made, the remainder of tax revenue remitted by each**
 31 **permit holder shall be paid to the build Indiana fund lottery**
 32 **and gaming surplus account.**

33 **Sec. 16. (a) As used in this section, "net receipts" means a**
 34 **permit holder's adjusted gross receipts, minus any taxes paid**
 35 **under section 14 of this chapter.**

36 **(b) Beginning January 1 following the second anniversary of the**
 37 **date that the sale of pari-mutuel pull tab tickets begins at a location**
 38 **described in this chapter and every year thereafter, the permit**
 39 **holder shall pay the percentage of the permit holder's net receipts**
 40 **set forth in subsection (c) to the commission for purse money and**
 41 **breed development.**

42 **(c) Beginning January 1 of the following years of operation, the**
 43 **purse money and breed development fee is equal to the following**
 44 **percentages of the permit holder's net receipts:**

45 Year 3	2%
46 Year 4	2%
47 Year 5	4%
48 Year 6	6%

1	Year 7	7%
2	Year 8	8%
3	Year 9	9%
4	Year 10 and each	
5	year thereafter	10%

(d) The commission shall allocate money received under this section to purses and breed development.

Sec. 17. All shipments of gambling devices, including pari-mutuel pull tab machines, to permit holders in Indiana, the registering, recording, and labeling of which have been completed by the manufacturer or dealer in accordance with 15 U.S.C. 1171 through 15 U.S.C. 1178, are legal shipments of gambling devices into Indiana.

Sec. 18. Under 15 U.S.C. 1172, approved January 2, 1951, the state of Indiana, acting by and through elected and qualified members of the legislature, declares and proclaims that the state is exempt from 15 U.S.C. 1172.

Sec. 19. The sale, purchase, and redemption of pari-mutuel pull tab tickets under this chapter shall be regulated and administered by the Indiana gaming commission.

SECTION 12. IC 4-31-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. A person that holds a permit to conduct a horse racing meeting or a license to operate a satellite facility shall withhold:

- (1) eighteen percent (18%) of the total of money wagered on each day at the racetrack or satellite facility (including money wagered on exotic wagering pools **but excluding money wagered on pari-mutuel pull tabs under IC 4-31-7.5**); plus
- (2) an additional three and one-half percent (3.5%) of the total of all money wagered on exotic wagering pools on each day at the racetrack or satellite facility.

SECTION 12. IC 4-33-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. This article applies only to the following:

- (1) Counties contiguous to Lake Michigan.
- (2) Counties contiguous to the Ohio River.
- (3) ~~Counties contiguous to Patoka Lake.~~ **A historic preservation district that:**
 - (A) is established under IC 36-7-11;
 - (B) is located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000); and
 - (C) consists solely of the real property owned by the historic resort hotels located in:
 - (i) a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200); and

(ii) a town having a population of less than one thousand five hundred (1,500).

SECTION 13. IC 4-33-2-5.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 5.6. "Cruise" means to depart from the dock while gambling is conducted.**

SECTION 14. IC 4-33-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 7. "Dock" means the location where an excursion a riverboat moors for the purpose of embarking passengers for and disembarking passengers from a gambling excursion: the riverboat.**

SECTION 15. IC 4-33-2-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 11.5. "Historic resort hotel" means a structure originally built as a hotel that contained at least three hundred (300) sleeping rooms on or before January 1, 1930.**

SECTION 16. IC 4-33-2-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 13.5. "Licensed operating agent" means a person licensed under IC 4-33-6.5 to operate a riverboat in a historic preservation district described in IC 4-33-1-1(3) on behalf of the district's historic preservation commission.**

SECTION 17. IC 4-33-2-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 14.5. "Operating agent's license" means a license issued under IC 4-33-6.5 that allows a person to operate a riverboat in a historic preservation district described in IC 4-33-1-1(3) on behalf of the district's historic preservation commission.**

SECTION 18. IC 4-33-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 15.5. "Patron" means an individual who:**

- (1) boards a riverboat; and
- (2) is not entitled to receive a tax free pass.

SECTION 19. IC 4-33-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 16. "Person" means an individual, a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, a historic preservation district, or any other business entity.**

SECTION 20. IC 4-33-2-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 16.3. "Pari-mutuel pull tab" has the meaning set forth in IC 4-31-2-11.5.**

SECTION 21. IC 4-33-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 16.5. "Reporting period" means**

a twenty-four (24) hour increment used by the department under this article, commencing at 6 a.m. on one (1) day and concluding at 5:59 a.m. the following day.

SECTION 22. IC 4-33-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. The commission shall adopt rules under IC 4-22-2 for the following purposes:

- (1) Administering this article.
- (2) Establishing the conditions under which riverboat gambling in Indiana may be conducted.
- (3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of riverboat gambling.
- ~~(4) With respect to riverboats that operate on Patoka Lake, ensuring:~~
 - ~~(A) the prevention of practices detrimental to the natural environment and scenic beauty of Patoka Lake; and~~
 - ~~(B) compliance by licensees and riverboat patrons with the requirements of IC 14-26-2-5 and IC 14-28-1.~~
- (4) Establishing rules concerning inspection of riverboats and the review of the permits or licenses necessary to operate a riverboat.**
- ~~(5) Imposing penalties for noncriminal violations of this article.~~
- (6) Establishing ethical standards regulating the conduct of members of a historic preservation commission established under IC 36-7-11-4.5 with regard to the selection and licensure of an operating agent to operate a riverboat in a historic preservation district described in IC 4-33-1-1(3).**
- (7) Establishing the conditions under which the sale, purchase, and redemption of pari-mutuel pull tabs may be conducted under IC 4-31-7.5.**

SECTION 23. IC 4-33-4-3, AS AMENDED BY P.L.14-2000, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) The commission shall do the following:

- (1) Adopt rules that the commission determines necessary to protect or enhance the following:
 - (A) The credibility and integrity of gambling operations authorized by this article.
 - (B) The regulatory process provided in this article.
 - ~~(C) The natural environment and scenic beauty of Patoka Lake.~~
- (2) Conduct all hearings concerning civil violations of this article.
- (3) Provide for the establishment and collection of license fees and taxes imposed under this article.
- (4) Deposit the license fees and taxes in the state gaming fund established by IC 4-33-13.
- (5) Levy and collect penalties for noncriminal violations of this

1 article.

2 (6) Deposit the penalties in the state gaming fund established by
3 IC 4-33-13.

4 (7) Be present through the commission's inspectors and agents
5 during the time gambling operations are conducted on a riverboat
6 to do the following:

7 (A) Certify the revenue received by a riverboat.

8 (B) Receive complaints from the public.

9 (C) Conduct other investigations into the conduct of the
10 gambling games and the maintenance of the equipment that
11 the commission considers necessary and proper.

12 ~~(D) With respect to riverboats that operate on Patoka Lake,~~
13 ~~ensure compliance with the following:~~

14 ~~(i) IC 14-26-2-6.~~

15 ~~(ii) IC 14-26-2-7.~~

16 ~~(iii) IC 14-28-1.~~

17 (8) Adopt emergency rules under IC 4-22-2-37.1 if the
18 commission determines that:

19 (A) the need for a rule is so immediate and substantial that
20 rulemaking procedures under IC 4-22-2-13 through
21 IC 4-22-2-36 are inadequate to address the need; and

22 (B) an emergency rule is likely to address the need.

23 (b) The commission shall begin rulemaking procedures under
24 IC 4-22-2-13 through IC 4-22-2-36 to adopt an emergency rule adopted
25 under subsection (a)(8) not later than thirty (30) days after the adoption
26 of the emergency rule under subsection (a)(8).

27 SECTION 24. IC 4-33-4-10 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. **If a riverboat**
29 **crui**ses, the commission shall authorize the route of ~~a the~~ riverboat and
30 the stops, if any, that the riverboat may make **while on a cruise**.

31 SECTION 25. IC 4-33-4-13 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. (a) **This section**
33 **does not apply to a riverboat located in a county having a**
34 **population of more than nineteen thousand three hundred (19,300)**
35 **but less than twenty thousand (20,000).**

36 (b) After consulting with the United States Army Corps of
37 Engineers, the commission may do the following:

38 (1) Determine the waterways that are navigable waterways for
39 purposes of this article.

40 (2) Determine the navigable waterways that are suitable for the
41 operation of riverboats under this article.

42 ~~(b)~~ (c) In determining the navigable waterways on which riverboats
43 may operate, the commission shall do the following:

44 (1) Obtain any required approvals from the United States Army
45 Corps of Engineers for the operation of riverboats on those
46 waterways.

47 (2) Consider the economic benefit that riverboat gambling

provides to Indiana.

(3) Seek to ensure that all regions of Indiana share in the economic benefits of riverboat gambling.

~~(4) Considering IC 14-26-2-6, IC 14-26-2-7, and IC 14-28-1, conduct a feasibility study concerning:~~

~~(A) the environmental impact of the navigation and docking of riverboats upon Patoka Lake; and~~

~~(B) the impact of the navigation and docking of riverboats upon the scenic beauty of Patoka Lake.~~

SECTION 26. IC 4-33-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 15. The commission shall annually do the following:

(1) Review the patterns of wagering and wins and losses by persons on riverboat gambling operations under this article.

(2) Make recommendations to the governor and the general assembly concerning whether limits on wagering losses should be imposed.

~~(3) Examine the impact on the natural environment and scenic beauty of Patoka Lake made by the navigation and docking of riverboats.~~

SECTION 27. IC 4-33-4-21.2, AS AMENDED BY P.L.215-2001, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 21.2. (a) The Indiana gaming commission shall require a licensed owner to conspicuously display the number of the toll free telephone line described in IC 4-33-12-6 in the following locations:

(1) On each admission ticket to a riverboat ~~gambling excursion~~
if tickets are issued.

(2) On a poster or placard that is on display in a public area of each riverboat where gambling games are conducted.

(b) The toll free telephone line described in IC 4-33-12-6 must be:

(1) maintained by the division of mental health and addiction under IC 12-23-1-6; and

(2) funded by the addiction services fund established by IC 12-23-2-2.

(c) The commission may adopt rules under IC 4-22-2 necessary to carry out this section.

SECTION 28. IC 4-33-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) The commission may issue to a person a license to own ~~one (1)~~ a riverboat subject to the numerical and geographical limitation of owner's licenses under this section, **section 3.5 of this chapter**, and IC 4-33-4-17. However, not more than eleven (11) owner's licenses may be in effect at any time. Except as provided in subsection (b), those eleven (11) licenses are as follows:

(1) Two (2) licenses for a riverboat that operates from the largest city located in the counties described under IC 4-33-1-1(1).

(2) One (1) license for a riverboat that operates from the second largest city located in the counties described under IC 4-33-1-1(1).

(3) One (1) license for a riverboat that operates from the third largest city located in the counties described under IC 4-33-1-1(1).

(4) One (1) license for a city located in the counties described under IC 4-33-1-1(1). This license may not be issued to a city described in subdivisions (1) through (3).

(5) A total of five (5) licenses for riverboats that operate upon the Ohio River from counties described under IC 4-33-1-1(2). The commission may not issue a license to an applicant if the issuance of the license would result in more than one (1) riverboat operating from a county described in IC 4-33-1-1(2).

(6) One (1) license for a riverboat that operates upon Patoka Lake from a county described under IC 4-33-1-1(3).

(b) If a city described in subsection (a)(2) or (a)(3) conducts two (2) elections under section 20 of this chapter, and the voters of the city do not vote in favor of permitting riverboat gambling at either of those elections, the license assigned to that city under subsection (a)(2) or (a)(3) may be issued to any city that:

(1) does not already have a riverboat operating from the city; and

(2) is located in a county described in IC 4-33-1-1(1).

SECTION 29. IC 4-33-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) A person applying for an owner's license under this chapter must pay a nonrefundable application fee to the commission. The commission shall determine the amount of the application fee. **However, the historic preservation district described in IC 4-33-1-1(3) or a member of the district's historic preservation commission is not required to pay the fee charged under this subsection.**

(b) An applicant must submit the following on forms provided by the commission:

(1) If the applicant is an individual, two (2) sets of the individual's fingerprints.

(2) If the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant.

(c) The commission shall review the applications for an owner's license under this chapter and shall inform each applicant of the commission's decision concerning the issuance of the owner's license.

(d) The costs of investigating an applicant for an owner's license under this chapter shall be paid from the application fee paid by the applicant.

(e) An applicant for an owner's license under this chapter must pay all additional costs that are:

(1) associated with the investigation of the applicant; and

(2) greater than the amount of the application fee paid by the

applicant.

(f) **The commission shall recoup all of the costs associated with investigating or reinvestigating an applicant that is a member of a historic preservation commission described in subsection (a) by imposing a special investigation fee upon the historic preservation commission's licensed operating agent.**

SECTION 30. IC 4-33-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. The commission may not issue an owner's license under this chapter to a person if:

- (1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;
 - (2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;
 - (3) the person is a member of the commission;
 - (4) the person is an officer, a director, or a managerial employee of a person described in subdivision (1) or (2);
 - (5) the person employs an individual who:
 - (A) is described in subdivision (1), (2), or (3); and
 - (B) participates in the management or operation of gambling operations authorized under this article;
 - (6) the person owns an ownership interest of more than ~~ten~~ **percent (10%) in more than one (1) other person holding an owner's license issued under the total amount of ownership interest permitted under section 3.5 of this chapter;** or
 - (7) a license issued to the person:
 - (A) under this article; or
 - (B) to own or operate gambling facilities in another jurisdiction;
- has been revoked.

SECTION 31. IC 4-33-6-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 3.5. (a) For purposes of this section, a person is considered to have an ownership interest in a riverboat owner's license if the interest is owned directly or indirectly by the person or by an entity controlled by the person.**

(b) A person may have up to a one hundred percent (100%) ownership interest in not more than two (2) riverboat licenses issued under this chapter.

(c) A person may not have an ownership interest in more than two (2) riverboat owner's licenses issued under this chapter.

(d) This section may not be construed to increase the maximum number of licenses permitted under section 1 of this chapter or the number of riverboats that may be owned and operated under a license under section 10 of this chapter.

SECTION 32. IC 4-33-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 5. (a) This section**

1 **does not apply to a riverboat located in a historic preservation**
 2 **district described in IC 4-33-1-1(3).**

3 (b) In an application for an owner's license, the applicant must state
 4 the dock at which the riverboat is based and the navigable waterway on
 5 which the riverboat will operate.

6 SECTION 33. IC 4-33-6-6 IS AMENDED TO READ AS
 7 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) A riverboat that
 8 operates in a county described in IC 4-33-1-1(1) or IC 4-33-1-1(2)
 9 must:

- 10 (1) have a valid certificate of inspection from the United States
- 11 Coast Guard for the carrying of at least five hundred (500)
- 12 passengers; and
- 13 (2) be at least one hundred fifty (150) feet in length.

14 (b) A riverboat that operates ~~on Patoka Lake~~ **in a county described**
 15 **under IC 4-33-1-1(3)** must:

- 16 (1) have the capacity to carry at least five hundred (500)
- 17 passengers;
- 18 (2) be at least one hundred fifty (150) feet in length; and
- 19 (3) meet safety standards required by the commission.

20 (c) This subsection applies only to a riverboat that operates on the
 21 Ohio River. A riverboat must replicate, as nearly as possible, historic
 22 Indiana steamboat passenger vessels of the nineteenth century.
 23 However, steam propulsion or overnight lodging facilities are not
 24 required under this subsection.

25 SECTION 34. IC 4-33-6-8 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8. If the commission
 27 determines that a person is eligible under this chapter for an owner's
 28 license, the commission may issue an owner's license to the person if:

- 29 (1) the person pays an initial license fee of twenty-five thousand
- 30 dollars (\$25,000); and
- 31 (2) the person posts a bond as required in section 9 of this
- 32 chapter.

33 **However, the historic preservation district described in**
 34 **IC 4-33-1-1(3) or a member of the district's historic preservation**
 35 **commission is not required to pay the fee charged under this**
 36 **section.**

37 SECTION 35. IC 4-33-6-9 IS AMENDED TO READ AS
 38 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 9. (a) **Except as**
 39 **provided in subsection (l),** a licensed owner must post a bond with the
 40 commission at least sixty (60) days before the commencement of
 41 **regular gambling on the riverboat. excursions:**

- 42 (b) The bond shall be furnished in:
- 43 (1) cash or negotiable securities;
- 44 (2) a surety bond:
- 45 (A) with a surety company approved by the commission; and
- 46 (B) guaranteed by a satisfactory guarantor; or
- 47 (3) an irrevocable letter of credit issued by a banking institution

- 1 of Indiana acceptable to the commission.
- 2 (c) If a bond is furnished in cash or negotiable securities, the
3 principal shall be placed without restriction at the disposal of the
4 commission, but income inures to the benefit of the licensee.
- 5 (d) The bond:
- 6 (1) is subject to the approval of the commission;
- 7 (2) must be in an amount that the commission determines will
8 adequately reflect the amount that a local community will expend
9 for infrastructure and other facilities associated with a riverboat
10 operation; and
- 11 (3) must be payable to the commission as obligee for use in
12 payment of the licensed owner's financial obligations to the local
13 community, the state, and other aggrieved parties, as determined
14 by the rules of the commission.
- 15 (e) If after a hearing (after at least five (5) days written notice) the
16 commission determines that the amount of a licensed owner's bond is
17 insufficient, the licensed owner shall upon written demand of the
18 commission file a new bond.
- 19 (f) The commission may require a licensed owner to file a new bond
20 with a satisfactory surety in the same form and amount if:
- 21 (1) liability on the old bond is discharged or reduced by judgment
22 rendered, payment made, or otherwise; or
- 23 (2) in the opinion of the commission any surety on the old bond
24 becomes unsatisfactory.
- 25 (g) If a new bond obtained under subsection (e) or (f) is
26 unsatisfactory, the commission shall cancel the owner's license. If the
27 new bond is satisfactorily furnished, the commission shall release in
28 writing the surety on the old bond from any liability accruing after the
29 effective date of the new bond.
- 30 (h) A bond is released on the condition that the licensed owner
31 remains at the site for which the owner's license is granted for the
32 lesser of:
- 33 (1) five (5) years; or
- 34 (2) the date the commission grants a license to another licensed
35 owner to operate from the site for which the bond was posted.
- 36 (i) A licensed owner who does not meet the requirements of
37 subsection (h) forfeits a bond filed under this section. The proceeds of
38 a bond that is in default under this subsection are paid to the
39 commission for the benefit of the local unit from which the riverboat
40 operated.
- 41 (j) The total and aggregate liability of the surety on a bond is limited
42 to the amount specified in the bond and the continuous nature of the
43 bond may in no event be construed as allowing the liability of the
44 surety under a bond to accumulate for each successive approval period
45 during which the bond is in force.
- 46 (k) A bond filed under this section is released sixty (60) days after:
- 47 (1) the time has run under subsection (h); and

(2) a written request is submitted by the licensed owner.

(l) The historic preservation district described in IC 4-33-1-1(3) or a member of the district's historic preservation commission is not required to post the bond required under this section.

SECTION 36. IC 4-33-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 10. (a) An owner's license issued under this chapter permits the holder to own and operate one (1) riverboat and equipment for each license.

(b) **An owner's license issued under this chapter permits the holder to:**

(1) conduct gambling games authorized under this article while the riverboat is cruising or docked; and

(2) allow the continuous ingress and egress of passengers for purposes of gambling.

(c) An owner's license issued under this chapter must specify the place where the riverboat must operate and dock. However, the commission may permit the riverboat to dock at a temporary dock in the applicable city for a specific period of time not to exceed one (1) year after the owner's license is issued.

~~(c)~~ (d) An owner's initial license expires five (5) years after the effective date of the license.

(e) An owner's license issued under this chapter does not permit the holder to conduct gambling games on a barge.

SECTION 37. IC 4-33-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 11. The commission may revoke an owner's license if:

(1) the licensee begins regular ~~riverboat excursions~~ **operations** more than twelve (12) months after receiving the commission's approval of the application for the license; and

(2) the commission determines that the revocation of the license is in the best interests of Indiana.

SECTION 38. IC 4-33-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) Unless the owner's license is terminated, expires, or is revoked, the owner's license may be renewed annually upon:

(1) the payment of a five thousand dollar (\$5,000) annual renewal fee; and

(2) a determination by the commission that the licensee satisfies the conditions of this article.

However, the historic preservation district described in IC 4-33-1-1(3) or a member of the district's historic preservation commission is not required to pay the fee charged under this section.

(b) A licensed owner shall undergo a complete investigation every three (3) years to determine that the licensed owner remains in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate

1 a licensed owner at any time the commission determines it is necessary
2 to ensure that the licensee remains in compliance with this article.

3 (d) The licensed owner shall bear the cost of an investigation or
4 reinvestigation of the licensed owner and any investigation resulting
5 from a potential transfer of ownership.

6 **(e) The commission shall recoup all of the costs associated with**
7 **investigating or reinvestigating a member of a historic**
8 **preservation commission described in subsection (a) by imposing**
9 **a special investigation fee upon the historic preservation**
10 **commission's licensed operating agent.**

11 SECTION 39. IC 4-33-6-19 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 19. (a) This section
13 applies to:

14 (1) a county contiguous to the Ohio River;

15 ~~(2) a county contiguous to Patoka Lake;~~ and

16 ~~(3)~~ (2) a county contiguous to Lake Michigan that has a
17 population of less than four hundred thousand (400,000).

18 (b) Notwithstanding any other provision of this article, the
19 commission may not issue a license under this article to allow a
20 riverboat to operate in the county unless the voters of the county have
21 approved the conducting of gambling games on riverboats in the
22 county.

23 (c) If the docking of a riverboat in the county is approved by an
24 ordinance adopted under section 18 of this chapter, or if at least the
25 number of the registered voters of the county required under IC 3-8-6-3
26 for a petition to place a candidate on the ballot sign a petition submitted
27 to the circuit court clerk requesting that a local public question
28 concerning riverboat gaming be placed on the ballot, the county
29 election board shall place the following question on the ballot in the
30 county during the next general election:

31 "Shall licenses be issued to permit riverboat gambling in ____
32 County?".

33 (d) A public question under this section shall be placed on the ballot
34 in accordance with IC 3-10-9 and must be certified in accordance with
35 IC 3-10-9-3.

36 (e) The clerk of the circuit court of a county holding an election
37 under this chapter shall certify the results determined under
38 IC 3-12-4-9 to the commission and the department of state revenue.

39 (f) If a public question under this section is placed on the ballot in
40 a county and the voters of the county do not vote in favor of permitting
41 riverboat gambling under this article, a second public question under
42 this section may not be held in that county for at least two (2) years. If
43 the voters of the county vote to reject riverboat gambling a second time,
44 a third or subsequent public question under this section may not be
45 held in that county until the general election held during the tenth year
46 following the year that the previous public question was placed on the
47 ballot.

SECTION 40. IC 4-33-6-19.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 19.5. (a) This section applies to a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).**

(b) The commission may issue only one (1) license under this article to allow a riverboat to operate in the county within a historic preservation district established under IC 36-7-11.

(c) The commission may not issue a license under this article to allow a riverboat to operate in the county unless the voters of:

(1) a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200) located in the county; and

(2) a town having a population of less than one thousand five hundred (1,500) located in the county;

have approved gambling on riverboats in the county.

(d) If at least the number of registered voters of the town required under IC 3-8-6-3 for a petition to place a candidate on the ballot sign a petition submitted to the clerk of the circuit court requesting that a local public question concerning riverboat gambling be placed on the ballot, the county election board shall place the following question on the ballot in the town described in subsection (c) during the next primary or general election or a special election held under this section:

"Shall a license be issued to allow riverboat gambling in the town of _____?"

(e) A public question under this section shall be placed on the ballot in accordance with IC 3-10-9.

(f) If a public question is placed on the ballot under this section and the voters of the town do not vote in favor of allowing riverboat gambling under IC 4-33, another public question regarding riverboat gambling may not be held in the town for at least two (2) years.

(g) In a special election held under this section:

(1) IC 3 applies, except as otherwise provided in this section; and

(2) at least as many precinct polling places as were used in the towns described in subsection (c) during the most recent municipal election must be used for the special election.

(h) The clerk of the circuit court of a county holding an election under this section shall certify the results determined under IC 3-12-4-9 to the commission and the department of state revenue.

SECTION 41. IC 4-33-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 6.5. Riverboat Operating Agent's License

Sec. 1. This chapter applies only to a riverboat operated under a license described in IC 4-33-6-1(a)(6).

1 **Sec. 2. (a) A person applying for an operating agent's license**
 2 **under this chapter must pay a nonrefundable application fee to the**
 3 **commission. The commission shall determine the amount of the**
 4 **application fee.**

5 **(b) An applicant must submit the following on forms provided**
 6 **by the commission:**

7 **(1) If the applicant is an individual, two (2) sets of the**
 8 **individual's fingerprints.**

9 **(2) If the applicant is not an individual, two (2) sets of**
 10 **fingerprints for each officer and director of the applicant.**

11 **(c) The commission shall review the applications for a license**
 12 **under this chapter and shall inform each applicant of the**
 13 **commission's decision concerning the issuance of the license.**

14 **(d) The costs of investigating an applicant for a license under**
 15 **this chapter shall be paid from the application fee paid by the**
 16 **applicant.**

17 **(e) An applicant for a license under this chapter must pay all**
 18 **additional costs that are:**

19 **(1) associated with the investigation of the applicant; and**

20 **(2) greater than the amount of the application fee paid by the**
 21 **applicant.**

22 **Sec. 3. The commission may not issue an operating agent's**
 23 **license under this chapter to a person if:**

24 **(1) the person has been convicted of a felony under Indiana**
 25 **law, the laws of any other state, or laws of the United States;**

26 **(2) the person has knowingly or intentionally submitted an**
 27 **application for a license under this chapter that contains false**
 28 **information;**

29 **(3) the person is a member of the commission;**

30 **(4) the person is an officer, a director, or a managerial**
 31 **employee of a person described in subdivision (1) or (2);**

32 **(5) the person employs an individual who:**

33 **(A) is described in subdivision (1), (2), or (3); and**

34 **(B) participates in the management or operation of**
 35 **gambling operations authorized under this article;**

36 **(6) the person owns an ownership interest of more than the**
 37 **total amount of ownership interests permitted under**
 38 **IC 4-33-6-3.5; or**

39 **(7) a license issued to the person:**

40 **(A) under this article; or**

41 **(B) to own or operate gambling facilities in another**
 42 **jurisdiction;**

43 **has been revoked.**

44 **Sec. 4. In determining whether to grant an operating agent's**
 45 **license to an applicant, the commission shall consider the**
 46 **following:**

47 **(1) The character, reputation, experience, and financial**
 48 **integrity of the following:**

- 1 (A) The applicant.
- 2 (B) A person that:
 - 3 (i) directly or indirectly controls the applicant; or
 - 4 (ii) is directly or indirectly controlled by the applicant or
 - 5 by a person that directly or indirectly controls the
 - 6 applicant.
- 7 (2) The facilities or proposed facilities for the conduct of
- 8 riverboat gambling in a historic preservation district
- 9 described in IC 4-33-1-1(3).
- 10 (3) The highest prospective total revenue to be collected by the
- 11 state from the conduct of riverboat gambling.
- 12 (4) The good faith affirmative action plan of each applicant to
- 13 recruit, train, and upgrade minorities in all employment
- 14 classifications.
- 15 (5) The financial ability of the applicant to purchase and
- 16 maintain adequate liability and casualty insurance.
- 17 (6) If the applicant has adequate capitalization to operate a
- 18 riverboat for the duration of the license.
- 19 (7) The extent to which the applicant exceeds or meets other
- 20 standards adopted by the commission.
- 21 **Sec. 5. If the commission determines that a person is eligible**
- 22 **under this chapter for an operating agent's license, the commission**
- 23 **may issue an operating agent's license to the person if:**
 - 24 (1) the person pays an initial license fee of twenty-five
 - 25 thousand dollars (\$25,000); and
 - 26 (2) the person posts a bond as required in section 6 of this
 - 27 chapter.
- 28 **Sec. 6. (a) A licensed operating agent must post a bond with the**
- 29 **commission at least sixty (60) days before the commencement of**
- 30 **regular riverboat operations in the historic preservation district**
- 31 **described in IC 4-33-1-1(3).**
 - 32 (b) The bond shall be furnished in:
 - 33 (1) cash or negotiable securities;
 - 34 (2) a surety bond:
 - 35 (A) with a surety company approved by the commission;
 - 36 and
 - 37 (B) guaranteed by a satisfactory guarantor; or
 - 38 (3) an irrevocable letter of credit issued by a banking
 - 39 institution of Indiana acceptable to the commission.
 - 40 (c) If a bond is furnished in cash or negotiable securities, the
 - 41 principal shall be placed without restriction at the disposal of the
 - 42 commission, but income inures to the benefit of the licensee.
 - 43 (d) The bond:
 - 44 (1) is subject to the approval of the commission; and
 - 45 (2) must be payable to the commission as obligee for use in
 - 46 payment of the riverboat's financial obligations to the local
 - 47 community, the state, and other aggrieved parties as
 - 48 determined by the rules of the commission.

(e) If after a hearing (after at least five (5) days written notice) the commission determines that the amount of a licensed operating agent's bond is insufficient, the operating agent shall, upon written demand of the commission, file a new bond.

(f) The commission may require a licensed operating agent to file a new bond with a satisfactory surety in the same form and amount if:

(1) liability on the old bond is discharged or reduced by judgment rendered, payment made, or otherwise; or

(2) in the opinion of the commission any surety on the old bond becomes unsatisfactory.

(g) If a new bond obtained under subsection (e) or (f) is unsatisfactory, the commission shall cancel the operating agent's license. If the new bond is satisfactorily furnished, the commission shall release in writing the surety on the old bond from any liability accruing after the effective date of the new bond.

(h) A bond is released on the condition that the licensed operating agent remains at the site of the riverboat operating within a historic preservation district:

(1) for five (5) years; or

(2) until the date the commission grants a license to another operating agent to operate from the site for which the bond was posted;

whichever occurs first.

(i) An operating agent who does not meet the requirements of subsection (h) forfeits a bond filed under this section. The proceeds of a bond that is in default under this subsection are paid to the commission for the benefit of the local unit from which the riverboat operated.

(j) The total liability of the surety on a bond is limited to the amount specified in the bond, and the continuous nature of the bond may not be construed as allowing the liability of the surety under a bond to accumulate for each successive approval period during which the bond is in force.

(k) A bond filed under this section is released sixty (60) days after:

(1) the time has run under subsection (h); and

(2) a written request is submitted by the operating agent.

Sec. 7. (a) Unless the operating agent's license is terminated, expires, or is revoked, the operating agent's license may be renewed annually upon:

(1) the payment of a five thousand dollar (\$5,000) annual renewal fee; and

(2) a determination by the commission that the licensee satisfies the conditions of this article.

(b) An operating agent shall undergo a complete investigation every three (3) years to determine that the operating agent remains in compliance with this article.

(c) Notwithstanding subsection (b), the commission may investigate an operating agent at any time the commission determines it is necessary to ensure that the licensee remains in compliance with this article.

(d) The operating agent shall bear the cost of an investigation or reinvestigation of the operating agent.

Sec. 8. A license issued under this chapter permits the holder to operate a the riverboat on behalf of the licensed owner of the riverboat.

Sec. 9. An operating agent licensed under this chapter is charged with all the duties imposed upon a licensed owner under this article, including the collection and remission of taxes under IC 4-33-12 and IC 4-33-13.

SECTION 42. IC 4-33-7.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 7.5. Pari-Mutuel Pull Tab Suppliers

Sec. 1. The commission may issue a supplier's license under this chapter to a person if:

(1) the person has:

(A) applied for the supplier's license;

(B) paid a nonrefundable application fee set by the commission;

(C) paid a five thousand dollar (\$5,000) annual license fee; and

(D) submitted on forms provided by the commission:

(i) if the applicant is an individual, two (2) sets of the individual's fingerprints; and

(ii) if the applicant is not an individual, two (2) sets of fingerprints for each officer and director of the applicant; and

(2) the commission has determined that the applicant is eligible for a supplier's license.

Sec. 2. (a) A person holding a supplier's license may sell, lease, and contract to sell or lease pari-mutuel pull tab terminals and devices to a permit holder authorized to sell and redeem pari-mutuel pull tab tickets under IC 4-31-7.5.

(b) Pari-mutuel pull tab terminals and devices may not be distributed unless the terminals and devices conform to standards adopted by the commission.

Sec. 3. A person may not receive a supplier's license if:

(1) the person has been convicted of a felony under Indiana law, the laws of any other state, or laws of the United States;

(2) the person has knowingly or intentionally submitted an application for a license under this chapter that contains false information;

(3) the person is a member of the commission;

(4) the person is an officer, a director, or a managerial

1 employee of a person described in subdivision (1) or (2);

2 (5) the person employs an individual who:

3 (A) is described in subdivision (1), (2), or (3); and

4 (B) participates in the management or operation of
5 gambling operations authorized under this article;

6 (6) the person owns more than a ten percent (10%) ownership
7 interest in any other person holding a permit issued under
8 IC 4-31; or

9 (7) a license issued to the person:

10 (A) under this article; or

11 (B) to supply gaming supplies in another jurisdiction;

12 has been revoked.

13 **Sec. 4. A person may not furnish pari-mutuel pull tab terminals**
14 **or devices to a permit holder unless the person possesses a**
15 **supplier's license.**

16 **Sec. 5. (a) A supplier shall furnish to the commission a list of all**
17 **pari-mutuel pull tab terminals and devices offered for sale or lease**
18 **in connection with the sale of pari-mutuel pull tab tickets**
19 **authorized under IC 4-31-7.5.**

20 **(b) A supplier shall keep books and records for the furnishing**
21 **of pari-mutuel pull tab terminals and devices to permit holders**
22 **separate from books and records of any other business operated by**
23 **the supplier.**

24 **(c) A supplier shall file a quarterly return with the commission**
25 **listing all sales and leases.**

26 **(d) A supplier shall permanently affix the supplier's name to all**
27 **of the supplier's pari-mutuel pull tab terminals or devices provided**
28 **to permit holders under this chapter.**

29 **Sec. 6. A supplier's pari-mutuel pull tab terminals or devices**
30 **that are used by a person in an unauthorized gambling operation**
31 **shall be forfeited to the state.**

32 **Sec. 7. Pari-mutuel pull tab terminals and devices that are**
33 **provided by a supplier may be:**

34 **(1) repaired on the premises of a racetrack or satellite facility;**
35 **or**

36 **(2) removed for repair from the premises of a permit holder**
37 **to a facility owned the permit holder.**

38 **Sec. 8. (a) Unless a supplier's license is suspended, expires, or is**
39 **revoked, the supplier's license may be renewed annually upon:**

40 **(1) the payment of a five thousand dollar (\$5,000) annual**
41 **renewal fee; and**

42 **(2) a determination by the commission that the licensee is in**
43 **compliance with this article.**

44 **(b) The holder of a supplier's license shall undergo a complete**
45 **investigation every three (3) years to determine that the licensee is**
46 **in compliance with this article.**

47 **(c) Notwithstanding subsection (b), the commission may**
48 **investigate the holder of a supplier's license at any time the**

1 commission determines it is necessary to ensure that the licensee is
2 in compliance with this article.

3 (d) The holder of a supplier's license shall bear the cost of an
4 investigation or reinvestigation of the licensee and any
5 investigation resulting from a potential transfer of ownership.

6 SECTION 43. IC 4-33-9-3 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 3. (a) Except as
8 provided in subsection (b), a riverboat ~~excursions~~ **cruise** may not
9 exceed four (4) hours for a round trip.

10 (b) Subsection (a) does not apply to an extended cruise that is
11 expressly approved by the commission.

12 SECTION 44. IC 4-33-9-14 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 14. (a) This section
14 applies only to a riverboat that operates from a county that is
15 contiguous to the Ohio River.

16 (b) A ~~gambling excursion~~ **cruise** is permitted only when the
17 navigable waterway for which the riverboat is licensed is navigable, as
18 determined by the commission in consultation with the United States
19 Army Corps of Engineers.

20 SECTION 45. IC 4-33-9-17 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2002]: Sec. 17. (a) **This section applies only to a riverboat located**
23 **in a historic preservation district described in IC 4-33-1-1(3).**

24 (b) As used in this section, "electronic gaming device" has the
25 meaning set forth in 68 IAC 1-1-29.

26 (c) As used in this section, "live gaming device" has the meaning
27 set forth in 68 IAC 1-1-59.

28 (d) The licensed owner of a riverboat described in subsection (a)
29 may not install more than five hundred (500) electronic gaming
30 devices on board the riverboat.

31 (e) **This section does not limit the number of live gaming devices**
32 **that the licensed owner may install on board a riverboat described**
33 **in subsection (a).**

34 SECTION 46. IC 4-33-10-5 IS AMENDED TO READ AS
35 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. An action to
36 prosecute a crime occurring during a gambling ~~excursion on a~~
37 **riverboat** shall be tried in the county of the dock where the riverboat
38 is ~~based.~~ **located.**

39 Page 9, line 5, strike "gambling excursions" and insert "**a**
40 **riverboat**".

41 Page 9, line 6, reset in roman "three".

42 Page 9, line 6, delete "four".

43 Page 9, line 6, reset in roman "(\$3)".

44 Page 9, line 6, delete "(\$4)".

45 Page 9, line 6, strike "person admitted to the".

46 Page 9, line 7, strike "gambling excursion." and insert "**patron who**
47 **is on board at the time a passenger count is recorded.**

(b) Passenger counts must be recorded one (1) hour after the start of each reporting period and once every two (2) hours thereafter under procedures approved by the commission.

(c) If the riverboat's schedule as approved by the commission does not provide for the riverboat to be open to the public at the start of the reporting period, passenger counts must be recorded one (1) hour after the riverboat begins admitting patrons during a reporting period and once every two (2) hours thereafter under procedures approved by the commission.

(d)".

Page 9, line 8, strike "excursion." and insert "operation."

Page 10, line 5, delete "Sixty-five" and insert "Except as provided in subsection (h), sixty-five".

Page 10, line 14, strike "a" and insert "each".

Page 10, line 14, strike "was" and insert "has been".

Page 10, line 15, after "The" insert "Indiana horse racing".

Page 10, line 17, strike "the" and insert "a".

Page 10, line 20, after "schedule." insert "If a permit holder sells pull tabs at a racetrack or satellite facility, the maximum amount that the Indiana horse racing commission may grant for routine operations at the permit holder's racetrack is equal to:

(i) the total amount granted under this section in a calendar year to a racetrack operated by a permit holder under a recognized meeting permit first issued before January 1, 2002; minus

(ii) the total adjusted gross receipts reported by a permit holder under IC 4-31-7.5-14 for the twelve (12) months immediately preceding the date on which the grant is distributed.

(C) To county and 4-H fairs for the maintenance and operation of horse racing facilities.

The maximum amount paid to the Indiana horse racing commission under this subdivision in a state fiscal year may not exceed twenty-six million dollars (\$26,000,000), minus the amount, if any, paid to the Indiana horse racing commission under IC 4-31-7.5-15."

Page 10, delete lines 21 through 24.

Page 10, line 26, strike "on Patoka Lake," and insert "in a historic preservation district described in IC 4-33-1-1(3),".

Page 10, line 28, strike "described in IC 4-33-1-1(3)" and insert "that are contiguous to Patoka Lake".

Page 10, line 31, after "counties" insert ".".

Page 10, line 31, strike "described in".

Page 10, line 32, strike "IC 4-33-1-1(3).".

Page 10, line 33, strike "Patoka Lake development account established under".

Page 10, line 34, strike "IC 4-33-15" and insert "towns described

1 in IC 4-33-1-1(3)(C)".

2 Page 10, line 36, after "quarter." insert **"This amount shall be**
3 **divided equally among the towns."**

4 Page 10, strike lines 37 through 41.

5 Page 10, line 42, strike "(4)" and insert **"(3)"**.

6 Page 10, line 42, strike "state general fund" and insert **"historic**
7 **preservation district described in IC 4-33-1-1(3)"**.

8 Page 10, line 42, strike "fifty" and insert **"ninety"**.

9 Page 10, line 42, strike "\$0.50" and insert **"(\$0.90)"**.

10 Page 11, line 3, strike "(5)" and insert **"(4)"**.

11 Page 11, line 30, strike "(c)(5):" and insert **"(c)(4):"**.

12 Page 12, between lines 1 and 2, begin a new paragraph and insert:
13 **"(g) Money paid to a historic preservation district under**
14 **subsection (c)(3) must be:**

15 (1) paid to the district's fiscal agent designated under
16 IC 36-7-11-23; and

17 (2) used for the restoration, preservation, operation, and
18 development of the historic resort hotels located within the
19 district.

20 Money paid to a historic preservation district under subsection
21 (c)(3) may be pledged to bonds, leases, or other obligations under
22 IC 5-1-14-4 that are necessary to carry out the purposes of this
23 subsection.

24 (h) After the Indiana horse racing commission is paid the
25 maximum amount of admissions taxes allowed under subsection
26 (b)(6), the remainder of that part of the admissions tax that is
27 described in subsection (b)(6) shall be paid to the state general
28 fund."

29 Page 12, delete lines 2 through 32, begin a new paragraph and
30 insert:

31 "SECTION 7. IC 4-33-13-1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) A tax is imposed
33 on the adjusted gross receipts received from gambling games
34 authorized under this article at the rate of:

35 (1) twenty percent (20%) of the ~~amount~~ **first one hundred**
36 **million dollars (\$100,000,000)** of the adjusted gross receipts
37 **received during the period beginning on July 1 of each year**
38 **and ending on June 30 of the following year; and**

39 (2) twenty-two and five-tenths percent (22.5%) of adjusted
40 gross receipts exceeding one hundred million dollars
41 **(\$100,000,000) received during the period beginning on July**
42 **1 of each year and ending on June 30 of the following year.**

43 (b) The licensed owner shall remit the tax imposed by this chapter
44 to the department before the close of the business day following the day
45 the wagers are made.

46 (c) The department may require payment under this section to be
47 made by electronic funds transfer (as defined in IC 4-8.1-2-7(e)).

(d) If the department requires taxes to be remitted under this chapter through electronic funds transfer, the department may allow the licensed owner to file a monthly report to reconcile the amounts remitted to the department.

(e) The department may allow taxes remitted under this section to be reported on the same form used for taxes paid under IC 4-33-12.

(f) Each month the department shall determine the following:

(1) The amount of taxes imposed by this chapter that are remitted by a licensed owner.

(2) The amount of taxes imposed by this chapter that would have been remitted by a licensed owner if the licensed owner's adjusted gross receipts received from gambling games authorized by this article had been taxed at the rate of twenty percent (20%).

(3) The result of the subdivision (2) amount multiplied by twenty-five percent (25%).

(4) The result of the subdivision (2) amount multiplied by seventy-five percent (75%).

(5) The result of the subdivision (1) amount minus the subdivision (2) amount."

Page 12, line 35, after "5." insert **"(a) This subsection applies only to a riverboat located in a county described in IC 4-33-1-1(1) through IC 4-33-1-1(2)."**

Page 13, line 2, after "IC 4-33-12-6(b)(1)(A);" insert **"or"**.

Page 13, strike lines 3 through 5.

Page 13, line 6, strike **"(C)"** and insert **"(B)"**.

Page 13, line 9, after **"(A)"** insert **","**.

Page 13, line 9, strike **"or a county described in clause (B); and"**.

Page 13, between lines 16 and 17, begin a new paragraph and insert:

"(b) This subsection applies only to a riverboat located in a historic preservation district described in IC 4-33-1-1(3). After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) Twenty-five percent (25%) of the tax revenue remitted by the riverboat's licensed operating agent shall be paid in equal shares to the counties that are contiguous to Patoka Lake.

(2) Twenty-five percent (25%) of the tax revenue remitted by the riverboat's licensed operating agent shall be paid to the historic preservation district.

(3) Fifty percent (50%) of the tax revenue remitted by the riverboat's licensed operating agent shall be paid to the build Indiana fund lottery and gaming surplus account.

SECTION 9. IC 4-33-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) Money paid to a unit of local government under this chapter:

(1) must be paid to the fiscal officer of the unit and may be

deposited in the unit's general fund or riverboat fund established under IC 36-1-8-9, or both;

(2) may not be used to reduce the unit's maximum or actual levy under IC 6-1.1-18.5; and

(3) may be used for any legal or corporate purpose of the unit, including the pledge of money to bonds, leases, or other obligations under IC 5-1-14-4.

(b) This chapter does not prohibit the city or county designated as the home dock of the riverboat from entering into agreements with other units of local government in Indiana or in other states to share the city's or county's part of the tax revenue received under this chapter.

(c) Money paid to a historic preservation district under section 5 of this chapter must be:

(1) paid to the district's fiscal agent designated under IC 36-7-11-23; and

(2) used for the restoration, preservation, operation, and development of the historic resort hotels located within the district.

Money paid to a historic preservation district under section 5(b)(2) of this chapter may be pledged to bonds, leases, or other obligations under IC 5-1-14-4 that are necessary to carry out the purposes of this subsection.

SECTION 10. IC 4-33-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Chapter 16. Gambling Operations in a Historic Preservation District

Sec. 1. This chapter applies only to a historic preservation district described in IC 4-33-1-1(3) and established under IC 36-7-11-4.5.

Sec. 2. As used in this chapter, "district" refers to the historic preservation district established under IC 36-7-11-4.5.

Sec. 3. As used in this chapter, "historic preservation commission" refers to the historic preservation commission established under IC 36-7-11-4.5.

Sec. 4. As used in this chapter, "operating expenses" means the following:

(1) Money spent by the historic preservation commission in the exercise of the historic preservation commission's powers under this article, IC 36-7-11-23, and IC 36-7-11-24 as limited by section 5 of this chapter.

(2) Management fees paid to the riverboat's licensed operating agent.

Sec. 5. A riverboat authorized under this article for a historic preservation district described in IC 4-33-1-1(3) must be located on real property owned by the district that is located between the two (2) historic resort hotels.

Sec. 6. The commission shall grant an owner's license to the

1 historic preservation commission upon the fulfillment of the
2 following requirements:

3 (1) Riverboat gaming is approved in a public question.

4 (2) The commission completes the investigations required
5 under IC 4-33-6.

6 **Sec. 7.** The historic preservation commission shall contract with
7 another person to operate a riverboat located in the district. The
8 person must be a licensed operating agent under IC 4-33-6.5.

9 **Sec. 8.** The net income derived from the riverboat after the
10 payment of all operating expenses shall be deposited in the French
11 Lick and West Baden community trust fund established under
12 IC 36-7-11.4.

13 **Sec. 9.** After deducting any tax revenue received under
14 IC 4-33-12 and IC 4-33-13 that:

15 (1) is expended by the historic preservation commission to
16 carry out the historic preservation commission's duties and
17 powers under this article, IC 36-7-11-3, and IC 36-7-11-24; or

18 (2) is pledged to bonds, leases, or other obligations under
19 IC 5-1-14-4;

20 the historic preservation commission shall deposit the remaining
21 tax revenue in the French Lick and West Baden community trust
22 fund established under IC 36-7-11.4."

23 Page 99, line 15, after "only" insert "**the pari-mutuel pull tab**
24 **wagering tax (IC 4-31-7.5-14);**".

25 Page 125, between lines 14 and 15, begin a new paragraph and
26 insert:

27 "SECTION 125. IC 35-45-5-7 IS AMENDED TO READ AS
28 FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 7.** This chapter does not
29 apply to the publication or broadcast of an advertisement, a list of
30 prizes, or other information concerning:

31 (1) pari-mutuel wagering on horse races or a lottery authorized by
32 the law of any state; ~~or~~

33 (2) a game of chance operated in accordance with IC 4-32; **or**

34 (3) **a pari-mutuel pull tab game operated in accordance with**
35 **IC 4-31-7.5.**

36 SECTION 126. IC 35-45-5-11 IS ADDED TO THE INDIANA
37 CODE AS A NEW SECTION TO READ AS FOLLOWS
38 [EFFECTIVE JULY 1, 2002]: **Sec. 11.** This chapter does not apply
39 to the sale of pari-mutuel pull tab tickets authorized by IC 4-31-7.5.

40 SECTION 127. IC 36-7-11-4.5 IS ADDED TO THE INDIANA
41 CODE AS A NEW SECTION TO READ AS FOLLOWS
42 [EFFECTIVE JULY 1, 2002]: **Sec. 4.5.** (a) This section applies to the
43 following towns located in a county having a population of more
44 than nineteen thousand three hundred (19,300) but less than
45 twenty thousand (20,000):

46 (1) A town having a population of more than one thousand
47 five hundred (1,500) but less than two thousand two hundred

1 (2,200).

2 (2) A town having a population of less than one thousand five
3 hundred (1,500).

4 (b) The towns described in subsection (a) may enter an
5 interlocal agreement under IC 36-1-7 to establish a joint historic
6 preservation district under this chapter. An ordinance entering the
7 interlocal agreement must provide for the following membership
8 of the joint historic preservation district:

9 (1) A member of the town council of a town described in
10 subsection (a)(1).

11 (2) A member of the town council of a town described in
12 subsection (a)(2).

13 (3) The owner of a historic resort hotel located in a town
14 described in subsection (a)(1) or the owner's designee.

15 (4) The owner of a historic resort hotel located in a town
16 described in subsection (a)(2) or the owner's designee.

17 (5) An individual appointed by the Historic Landmarks
18 Foundation of Indiana.

19 (6) A resident of a town described in subsection (a)(1).

20 (7) A resident of a town described in subsection (a)(2).

21 (c) A member of the commission described in subsection (b)(1)
22 or (b)(2) shall serve for the duration of the member's term of office
23 on the town council. The members described in subsection (b)(5)
24 through (b)(7) shall each serve for a term of three (3) years.
25 However, the terms of the original voting members may be for one
26 (1) year, two (2) years, or three (3) years in order for the terms to
27 be staggered, as provided by the ordinance. A vacancy shall be
28 filled for the duration of the term.

29 (d) The ordinance may provide qualifications for members of
30 the commission described in subsection (b)(6) and (b)(7). However,
31 members must be residents of the unit who are interested in the
32 preservation and development of historic areas. The members of
33 the commission should include professionals in the disciplines of
34 architectural history, planning, and other disciplines related to
35 historic preservation, to the extent that those professionals are
36 available in the community. The ordinance may also provide for
37 the appointment of advisory members that the legislative body
38 considers appropriate.

39 (e) Each member of the commission must, before beginning the
40 discharge of the duties of the member's office, do the following:

41 (1) Take an oath that the member will faithfully execute the
42 duties of the member's office according to Indiana law and
43 rules adopted under Indiana law.

44 (2) Provide a bond to the state that:

45 (A) is approved by the Indiana gaming commission;

46 (B) is for twenty-five thousand dollars (\$25,000); and

47 (C) is, after being executed and approved, recorded in the
48 office of the secretary of state.

1 (f) The ordinance may:

2 (1) designate an officer or employee of a town described in
3 subsection (a) to act as administrator;

4 (2) permit the commission to appoint an administrator who
5 shall serve without compensation except reasonable expenses
6 incurred in the performance of the administrator's duties; or

7 (3) provide that the commission act without the services of an
8 administrator.

9 (g) Members of the commission shall serve without
10 compensation except for reasonable expenses incurred in the
11 performance of their duties.

12 (h) The commission shall elect from its membership a
13 chairperson and vice chairperson who shall serve for one (1) year
14 and may be reelected.

15 (i) The commission shall adopt rules consistent with this chapter
16 for the transaction of its business. The rules must include the time
17 and place of regular meetings and a procedure for the calling of
18 special meetings. All meetings of the commission must be open to
19 the public, and a public record of the commission's resolutions,
20 proceedings, and actions must be kept. If the commission has an
21 administrator, the administrator shall act as the commission's
22 secretary. If the commission does not have an administrator, the
23 commission shall elect a secretary from its membership.

24 (j) The commission shall hold regular meetings at least monthly,
25 except when it has no business pending.

26 (k) A decision of the commission is subject to judicial review
27 under IC 4-21.5-5 as if it were a decision of a state agency.

28 (l) Money acquired by the historic preservation commission:

29 (1) is subject to the laws concerning the deposit and
30 safekeeping of public money; and

31 (2) must be deposited under the advisory supervision of the
32 state board of finance in the same way and manner, at the
33 same rate of interest, and under the same restrictions as other
34 state money.

35 (m) The money of the historic preservation commission and the
36 accounts of each officer, employee, or other person entrusted by
37 law with the raising, disposition, or expenditure of the money or
38 part of the money are subject to the following:

39 (1) Examination by the state board of accounts.

40 (2) The same penalties and the same provision for publicity
41 that are provided by law for state money and state officers.

42 SECTION 128. IC 36-7-11-4.6 IS AMENDED TO READ AS
43 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 4.6. An ordinance that
44 establishes a historic preservation commission under section 4 **or 4.5**
45 of this chapter may:

46 (1) authorize the commission to:

47 (A) acquire by purchase, gift, grant, bequest, devise, or lease
48 any real or personal property, including easements, that is

appropriate for carrying out the purposes of the commission;
 (B) hold title to real and personal property; and
 (C) sell, lease, rent, or otherwise dispose of real and personal
 property at a public or private sale on the terms and conditions
 that the commission considers best; and

(2) establish procedures that the commission must follow in
 acquiring and disposing of property.

SECTION 129. IC 36-7-11-23 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2002]: **Sec. 23. (a) This section applies to a
 historic preservation commission established under section 4.5 of
 this chapter.**

**(b) In addition to the commission's other duties set forth in this
 chapter, the commission shall do the following:**

**(1) Designate a fiscal agent, who must be the fiscal officer of
 one (1) of the towns described in section 4.5(a) of this chapter.**

**(2) Employ professional staff to assist the commission in
 carrying out its duties under this section.**

**(3) Engage consultants, attorneys, accountants, and other
 professionals necessary to carry out the commission's duties
 under this section.**

(4) Own the riverboat license described in IC 4-33-6-1(a)(6).

**(5) Develop requests for proposals for persons interested in
 operating and managing the riverboat authorized under
 IC 4-33 on behalf of the commission as the riverboat's
 licensed operating agent.**

**(6) Recommend a person to the Indiana gaming commission
 that the historic preservation commission believes will:**

**(A) promote the most economic development in the area
 surrounding the historic preservation district;**

(B) best meet the criteria set forth in IC 4-33-6-4; and

(C) best serve the interests of the citizens of Indiana.

**However, the gaming commission is not bound by the
 recommendation of the historic preservation commission.**

SECTION 130. IC 36-7-11-24 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE JULY 1, 2002]: **Sec. 24. (a) This section applies to a
 historic preservation commission established under section 4.5 of
 this chapter.**

**(b) In addition to the commission's other powers set forth in this
 chapter, the commission may do the following:**

**(1) Enter contracts to carry out the commission's duties under
 section 23 of this chapter, including contracts for the
 construction, maintenance, operation, and management of a
 riverboat to be operated in the historic preservation district
 under IC 4-33.**

(2) Provide recommendations to the Indiana gaming

1 commission concerning the operation and management of a
2 riverboat to be operated in the historic preservation district
3 under IC 4-33.

4 (c) This section may not be construed to limit the powers of the
5 Indiana gaming commission with respect to the administration and
6 regulation of riverboat gaming under IC 4-33.

7 SECTION 131. IC 36-7-11.4 IS ADDED TO THE INDIANA
8 CODE AS A NEW CHAPTER TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2002]:

10 **Chapter 11.4. French Lick and West Baden Community Trust**
11 **Fund**

12 **Sec. 1.** This section applies to a historic preservation district
13 established under IC 36-7-11-4.5.

14 **Sec. 2.** As used in this chapter, "fund" refers to the French Lick
15 and West Baden community trust fund established by section 4 of
16 this chapter.

17 **Sec. 3.** As used in this chapter, "historic preservation
18 commission" refers to the historic preservation commission
19 established under IC 36-7-11-4.5.

20 **Sec. 4. (a)** The French Lick and West Baden community trust
21 fund is established.

22 **(b)** The fund consists of the following:

- 23 (1) Money disbursed from the historic preservation
- 24 commission.
- 25 (2) Donations.
- 26 (3) Interest and dividends on assets of the fund.
- 27 (4) Money transferred to the fund from other funds.
- 28 (5) Money from any other source.

29 **Sec. 5. (a)** The historic preservation commission shall manage
30 and develop the fund and the assets of the fund.

31 **(b)** The historic preservation commission shall do the following:

- 32 (1) Establish a policy for the investment of the fund's assets.
- 33 (2) Perform other tasks consistent with prudent management
- 34 and development of the fund.

35 **Sec. 6. (a)** Subject to the investment policy of the board, the
36 fiscal agent appointed by the historic preservation commission
37 shall administer the fund and invest the money in the fund.

38 **(b)** The expenses of administering the fund and implementing
39 this chapter shall be paid from the fund.

40 **(c)** Money in the fund that is not currently needed to meet the
41 obligations of the fund may be invested in the same manner as
42 other public funds are invested. Interest that accrues from these
43 investments shall be deposited in the fund.

44 **(d)** Money in the fund at the end of a state fiscal year does not
45 revert to the state general fund.

46 **Sec. 7. (a)** The historic preservation commission has the sole
47 authority to allocate money from the fund for the following
48 purposes:

1 **(1) The preservation, restoration, maintenance, operation,**
 2 **and development of the French Lick historic resort hotel.**

3 **(2) The preservation, restoration, maintenance, operation,**
 4 **and development of the West Baden historic resort hotel.**

5 **(3) Infrastructure projects and other related improvements in**
 6 **the surrounding community.**

7 **(b) Money allocated under subsection (a)(1) and (a)(2) must be**
 8 **divided equally between the two (2) historic resort hotels.**

9 **Sec. 8. The historic preservation commission shall prepare an**
 10 **annual report concerning the fund and submit the report to the**
 11 **legislative council before October 1 of each year. The report is a**
 12 **public record."**

13 Page 149, between lines 15 and 16, begin a new paragraph and
 14 insert:

15 **"SECTION 132. [EFFECTIVE JULY 1, 2002] (a) The Indiana**
 16 **gaming commission shall adopt the emergency rules required**
 17 **under IC 4-31-7.5-11, as added by this act, before September 1,**
 18 **2002.**

19 **(b) This SECTION expires December 31, 2002."**

20 Page 157, between lines 11 and 12, begin a new paragraph and
 21 insert:

22 **"SECTION 153. THE FOLLOWING ARE REPEALED**
 23 **[EFFECTIVE JULY 1, 2002]: IC 4-33-2-8; IC 4-33-4-19; IC 4-33-9-2;**
 24 **IC 4-33-12-2; IC 4-33-15."**

25 Renumber all SECTIONS consecutively.

 (Reference is to EHB 1004 as printed February 22, 2002.)

Senator LANANE